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**OFFICE OF PETITIONS**

In re Application of  
Daniel Caput, et al.  
Application No. 09/125,005  
Filed: July 30, 1998  
Attorney Docket No. IVD-913

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 30, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). No extension of time under the provisions of 37 CFR 1.136(a) were obtained. As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed February 19, 2002, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the above-identified application became abandoned on April 20, 2002. See MPEP 1215.04.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application file is being forwarded to Technology Center 1600, Art Unit 1642 for processing the Request for Continued Examination under 37 CFR 1.114, filed on January 30, 2003.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry D. Brinkley at (703)305-9220.

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